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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,960	12/04/2000	Timothy C. Ostwald	00-082-TAP	3973

7590 02/02/2004

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EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,960

Applicant(s)

OSTWALD ET AL.

Examiner

Christopher R. Magee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hug et al. (hereinafter Hug) (US 5,128,912).

- Regarding claims 1, 5, 10-12, 14, 15 and 17, Hug shows a storage library for the storage and retrieval of media objects (Fig. 1), the storage library comprising:

first, second, and third horizontally arranged parallel rows (not numbered) of media object storage cells 16 arranged in a common plane, the second row of media object storage cells disposed between the first and third rows of media object storage cells, each of the media object storage cells for housing a media object 18 (Fig. 1);

a first track 32 arranged in the common plane and disposed adjacent to the first row of media object storage cells;

a second track 32 arranged in the common plane and disposed adjacent to the third row of media object storage cells;

a first robotic mechanism 26 coupled to the first track for moving horizontally along the first track, the first robotic mechanism having a first media object manipulation mechanism vertically movable for moving between the first and second rows of media object storage cells to

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manipulate the media objects housed within the first and second rows of media object storage cells (col. 11, lines 13-16); and

a second robotic mechanism 28 coupled to the second track for moving horizontally along the second track, the second robotic mechanism having a second media object manipulation mechanism vertically movable for moving between the second and third rows of media object storage cells to manipulate the media objects housed within the second and third rows of media object storage cells (col. 11, lines 17-21).

- Regarding claim 2, Hug discloses the media object manipulation mechanism is a gripper mechanism (col. 9, lines 48-67; Fig. 8).

- Regarding claims 3, 18, 20 and 21, Hug teaches the media object manipulation mechanism is vertically movable to move from the first row of media object storage cells to the second row of media object storage cells (Fig. 6).

- Regarding claims 4 and 19, Hug teaches the media object manipulation mechanism is vertically movable to move from the second row of media object storage cells back to the first row of media object storage cells (Fig 6).

- Regarding claim 6, Hug shows a track 36 is disposed between the first and second rows of media object storage cells (Fig 1).

- Regarding claim 7, Hug shows the second row of media object storage cells is below the first row of media object storage cells and the track is disposed above the first row of media object storage cells (Fig. 1).

- Regarding claim 8, Hug teaches the media objects include media cartridges (col. 3, lines 46-65).

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- Regarding claim 9, Hug teaches the media objects include media players (col. 3, lines 46-65).
- Regarding claims 13, 16 and 22, Hug teaches the media object manipulation mechanism rotates to move vertically between the first and second rows of media storage cells (col. 4, line 58 to col. 5, line 14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Matsuyima et al. (EP 0 768 657 A1) is cited to show a carrying device and carrying method for microfilm exchange.
- b. Beach et al. (US 3,831,197) is cited to show an article handling and data retrieval system.
- c. Kuo (US 4,989,191) is cited to show a data processing system with mixed media memory packs.
- d. Wanger et al. (US 5,043,962) is cited to show a cartridge handling system.
- e. Dimitri (US 5,818,723) is cited to show a quick access data storage library with backup capability.
- f. Ostwald et al. (US 6,262,863) is cited to show an automated storage library with a rail mechanism providing flexible robot access.
- g. Plutt et al. (US 6,639,879 B2) is cited to show library performance scaling with incremental height gradient robotics.

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h. Ostwald et al. (WO 02/47076 A2; PCT US 01/45236) is cited to show a method and system for accessing multiple rows of media objects in an automated storage library using a single-track robotic mechanism.

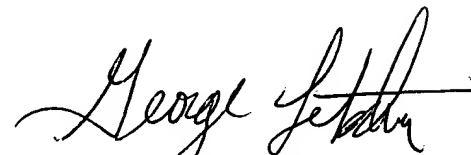
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Christopher R. Magee
Patent Examiner
Art Unit 2653

January 25, 2004


GEORGE J. LETSCHER
PRIMARY EXAMINER